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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,728	01/03/2002	Ku-Feng Chen	60594-300501	8959

7590

06/27/2003

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/038,728

Applicant(s)

CHEN ET AL.

Examiner

Lisa Lea-Edmonds

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites the limitation "the plastic clamp" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-10, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (5269598) in view of Le (5594627). With respect to claims 1-3, 6-10, 12-14, and 16, Liu teaches a fixing device (7) without screws, for fixing in place a fan (14) and a protocol control information long card (18) having a tail piece, wherein the fan is for radiating heat from a hard disk (12) and the protocol control information long card (18), the fixing device (7) comprising a plastic fixture (75), for clamping the tail piece of the protocol control information long card (18), and a plastic fan guard (74), connected to the plastic fixture, for fixing the fan (14) in place, wherein the plastic fan guard (74) further comprises a cavity having two second plastic hooks (746) for fixing the fan (14) into the cavity, wherein the plastic fan guard (7) has a first air port for radiating heat from the protocol control information long card (18), wherein the plastic fan guard (7) as claimed (see for example figures 1-13). However, Liu lacks a teaching of a first plastic hook being used with the plastic fixture (75) to "set up" the card (18) as claimed.

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Le is relied upon for its teaching of a first plastic hook (28) being used with the plastic fixture (10) to "set up" the card (40) as claimed (see for example figures 3-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Le into the apparatus of Liu to further aid in retaining the card.

4. Claims 4, 5, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (5269598) in view of Le (5594627) further in view of Blatti (6396690). With respect to claims 4, 5, 11, and 15, Liu (5269598) in view of Le (5594627) teaches a fixing device (7) without screws, for fixing in place a fan (14) and a protocol control information long card (18) having a tail piece, wherein the fan is for radiating heat from a hard disk (12) and the protocol control information long card (18), the fixing device (7) comprising a plastic fixture (75), for clamping the tail piece of the protocol control information long card (18), and a plastic fan guard (74), connected to the plastic fixture, for fixing the fan (14) in place, wherein the plastic fan guard (74) further comprises a cavity having two second plastic hooks (746) for fixing the fan (14) into the cavity, wherein the plastic fan guard (7) has a first air port for radiating heat from the protocol control information long card (18), wherein the plastic fan guard (7), and a first plastic hook (28) as claimed (see for example figures 1-13 of Liu and 3-10 of Le). However, Liu in view of Le lacks a teaching of a second air port as claimed. Blatti is relied upon for its teaching of a first and second air ports as claimed (see for example figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Blatti into the apparatus of Liu in view of Le to further aid in cooling the hard disk.

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**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the cooling systems of Scholder (5936836) and Jo (6222725). Also note Fu et al. (6462959), which is not considered prior art, but is believed to be relevant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds  
Examiner  
Art Unit 2835

June 20, 2003

A handwritten signature in cursive script, appearing to read "Lisa Lea-Edmonds", is written over the printed name and title.